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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,317

08/29/2001

Thuan Pham

8016-548

7738

7590

09/30/2004

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EXAMINER

EL ARINI, ZEINAB

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,317

Applicant(s)

PHAM, THUAN

Examiner

Zeinab E. EL-Arini

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-17, 19, 20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-17, 19-20, and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment and remarks filed on 07/26/04 have been acknowledged and entered.

Claims 2-8, 10-17, 19-20, 22-30 are pending.

The rejections stated in paper No. 050704 have been withdrawn in view of applicant's amendment and remarks.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 3, "cleaning fluid" lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 2-8, 11-17, 20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biancalana et al. (4,552,163) in combination with Benedict et al. (5,339,843).

Biancalana et al. disclose a device for cleaning, disinfecting and drying instruments. The device comprises a housing, at least one nozzle, a sensor adapted to detect a presence of the object to be cleaned, and a valve as claimed. The reference also discloses that when the instrument is introduced into the chamber under the control of the photoelectric cells, the operative cycle starts and the valves 33, 34, open, thus providing pressurized air and water to the nozzles 10, so that pressurized air reaches said nozzles. At the same time valve 35 opens, therefore the atomizer 12 starts to work and a flow of air containing disinfectant reaches the nozzles 11. After the predetermined washing time, the electro-valves 33 and 34 close. The reference also discloses water-air mixing unit. See col. 4, lines 54-64, col. 3, lines 51-56, and claims 1 and 6.

Biancalana et al. as discussed supra disclose all limitation with the exception of the alcohols as claimed.

Benedict et al. disclose in the background of the invention, that a cleaning solution which is known to provide proper cleaning action

comprises alcoholic liquids, of either a single component or a blend of alcohol components. See col. 1, lines 22-25.

It would have been obvious for one skilled in the art of using the alcohols taught by Benedict et al. in the Biancalana et al. cleaning apparatus to enhance the cleaning and to obtain the claimed apparatus. This is because it is well known in the art that the alcohols can be used as cleaning and disinfecting solution. Therefore one skilled in the art would use the alcohols taught by Benedict et al. instead of the disinfectant taught by Biancalana et al. to obtain the claimed apparatus.

Re claim 17, the limitation of claim 17, is for intended use limitation.

5. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biancalana et al. in combination with Benedict et al. as applied to claims 19, 2-8, 11-17, 20, and 22-29 above, and further in view of Gaydoul et al. (6,029,681).

Biancalana et al. in combination with Benedict et al. as discussed supra do not teach means for adjusting a distance as claimed.

Gaydoul et al. disclose the means for adjusting the distance as claimed. See the abstract.

It would have been obvious for one skilled in the art to use the distance adjusting means taught by Gaydoul et al. in the Biancalana et al. in combination with Benedict et al. apparatus to improve the efficiency of the cleaning apparatus.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 2-8, 10-17, 19, 20, and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (571) 272-1301. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Zeinab EL-Arini*  
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Primary Examiner  
Art Unit 1746

ZEE  
09/29/04